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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO CONFIRM JANUARY 22,  
2024 TRIAL DATE**

The Honorable Yvonne Gonzalez Rogers  
Trial Date: November 6, 2023

1 Pursuant to Northern District of California Local Rule 7-11, Defendant Google LLC hereby  
2 files this Administrative Motion to Confirm January 22, 2024 as the date for the start of trial in this  
3 action, subject to the Court’s availability.

4 **ARGUMENT**

5 Trial in this matter is currently scheduled to begin November 6, 2023. Dkt. 885. On August  
6 25, 2023, the Court advised the parties that: “Given the current schedules of my criminal trials, it  
7 is highly unlikely that your date of November 6, 2023, will remain. Nonetheless, we will maintain  
8 the pre-trial schedule, including deadlines to file motions, and you will be advised further about the  
9 status of your trial date on October 30, 2023. For now, your back up trial date is January 22, 2024.”  
10 Dkt. 979.

11 Google is mindful of the judicial emergency in this District and is prepared to proceed with  
12 trial at any time that is convenient for the Court. Google respectfully requests, however, that as it is  
13 “highly unlikely” the trial will proceed on November 6, 2023, that the Court confirm trial for January  
14 22, 2024 while leaving all current pre-trial deadlines in place.

15 Plaintiffs’ trial witness list includes 40 witnesses (36 fact witnesses and four experts). They  
16 have indicated that 32 witnesses may be called live. Google’s trial witness list includes an additional  
17 two fact witnesses and five experts. Nine of the fact witnesses on Plaintiffs’ list (three of whom are  
18 also on Google’s list) are former Google employees, many of whom have taken new jobs at other  
19 companies and would need to schedule time off work to prepare for and attend trial. Eight fact  
20 witnesses reside out of state and four reside abroad. Five of the parties’ expert witnesses reside out  
21 of state. Although the parties are working in good faith to present certain fact witnesses remotely  
22 or by deposition designation, many witnesses will have to travel to attend trial live.

23 For a trial of this scope, there also are numerous logistical tasks—beyond travel and  
24 accommodations—that need to be handled well in advance of October 30, 2023. For example,  
25 witnesses (including those no longer employed by Google) would need to request time off from  
26 work and clear their calendars. In addition, witnesses and counsel would need to prepare for direct  
27 and cross-examination—only to have to repeat that for the new trial date two months later.

28 This is all to say that preparing fully for a November 6, 2023 trial, when it is highly likely

1 the trial will not begin until January 22, 2024, presents a number of challenges and inefficiencies  
2 that could be avoided if the Court were inclined to confirm trial for the later date. Google  
3 acknowledges, of course, that the Court's convenience takes priority and will be prepared for trial  
4 on any date set by the Court.<sup>1</sup>

### 5 CONCLUSION

6 For the foregoing reasons, Google respectfully requests that, if convenient for the Court,  
7 trial be confirmed to begin January 22, 2024.

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23 <sup>1</sup> In advance of filing this Motion, Google attempted to reach agreement with Plaintiffs to make a  
24 joint request. Plaintiffs indicated that they were amenable to definitively moving trial to January  
25 22, 2024, but conditioned their agreement on Google entering a stipulation that individual class  
26 members' damages claims be tolled in the interim. Because (1) Google is not aware of any  
27 individual class members (other than the named Plaintiffs) who have indicated an intent to file  
28 damages claims, (2) Google is not aware of anything that currently prevents individual class  
members from filing damages claims, and (3) the Court ruled that it lacks constitutional authority  
to toll claims that are not before it, Dkt. 941, Google declined to stipulate that hypothetical  
damages claims are tolled in the event of an adjournment. Plaintiffs would not agree to a joint  
request absent the unrelated tolling stipulation.

1 DATED: September 5, 2023

Respectfully submitted,

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